

WASHINGTON STATE BAR ASSOCIATION

New WSBA Standards for Indigent Defense Services

Updated: March 21, 2024

See: [Press release on newly adopted standards](#)

Frequently Asked Questions

Q. What is WSBA Council on Public Defense?

The Council on Public Defense is an advisory council of the WSBA that brings together representatives of the bar, private and public criminal defense attorneys, current and former prosecutors, the bench, elected officials, and the public to address new and recurring challenges that impact the public defense system. The Council on Public Defense educates and informs policy makers on issues that need reform and provides concrete proposals that are enhanced by the comprehensive nature of the council's membership. [More information.](#)

Q. What is the timeline for implementation of the new standards?

The Council on Public Defense has recommended a two-year phased implementation of the new standards beginning in July 2025 to give local governments time to plan. The Council on Public Defense will continue to collaborate with statewide organizations and legislative bodies to communicate with defenders and provide necessary trainings mentioned in the updated qualifications portions of the standards.

Q. Is this the first time the WSBA has adopted standards for public defense?

No. The WSBA has long been involved in the adoption of public defense standards. The WSBA Board of Governors first adopted the Washington Defender Association Standards for Public Defense Services in 1984, and a revised version in January 1990. The Board adopted slight revisions to certain elements of the standards in May 2021. The caseload standards, however, have not substantially changed since they were first adopted in 1984, at levels first issued nationally in the early 1970s. Much has changed in public defense since the last major revision of the WSBA standards, as reflected in the recently released national study and research of the Council on Public Defense that led to the new standards.

Q. What is the authority of the *Standards for Indigent Defense*?

The WSBA standards detail the minimum requirements for attorneys representing individual clients and for state and local administrators who “manage and oversee” public defense services. The Washington State legislature requires counties and cities to adopt standards for the delivery of public defense services, regardless of whether public defense services are provided by contract, assigned counsel, or a public defender agency or nonprofit office. In doing so, [RCW 10.101.030](#) provides that the WSBA Standards should serve as guidelines to cities and counties in adopting their standards. Compliance with these WSBA Standards ensures the consistent delivery of effective representation of individuals who face the loss of liberty or other protected rights.

The WSBA standards are consistent with, but more comprehensive than, the [Washington Supreme Court's Standards for Indigent Defense](#) that are included in the Washington State Court Rules. The Court's rules require attorney compliance in professional and ethical obligations, and all public defense attorneys must certify every quarter that they comply with the Court Rule Standards.

Q. What are the new standards compared to the previous standards?

The final version of the new standards is published on the [Council on Public Defense's webpage](#). A redlined version of the old standards, compared to the new standards, is in the [March Board of Governors meeting materials](#).

Q. How is public defense funded in Washington state?

In Washington, the administration of all public defense services for trial-level criminal and juvenile cases occurs at the local level. Each jurisdiction takes an individualized approach to structuring its public defense services. Some include robust, well-staffed public defense agencies, while others rely on contracts with a handful of private attorneys. In some locations the public defense oversight is handled by specialized attorneys with significant public defense experience, whereas in others the responsibility resides with local government administrators who manage other departments. The state's Office of Public Defense provides financial assistance for certain public defense programs and cases and provides a supportive role to local governments by offering technical assistance in the planning, administration, and evaluation of local public defense services. [More information.](#)